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at 3 p.m.
New York

SUMMARY RECORD OF THE 50th MEETING

Chairman:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. JALLOW (Vice-Chairman)	(Gambia)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)

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* Items considered together.

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In the absence of Mr. Krenkel (Austria), Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501-504, 552, 626, 630, 668, 701 and 702)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, 617, 621, 625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666-S/24809 and A/47/676; S/24386 and Add.1; A/C.3/47/2)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

1. Mr. FISENKO (Belarus) said that, as stated in the Secretary-General's report (A/47/502), cooperation between the Centre for Human Rights and the Council of Europe for assistance to the countries of Central and Eastern Europe had been strengthened. That had resulted in the organization of useful conferences and seminars, in particular on issues of crime prevention, incarceration and preventive detention and questions of individual rights. The Council of Europe and the Centre for Human Rights could play an important role in assisting his country to create a rule-of-law State and also provide expertise in legal and judicial matters.

2. His delegation supported the measures to strengthen the Centre for Human Rights outlined in the Secretary-General's report (A/47/702). It also supported the proposal to provide his country with technical advisory services in the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. The creation of national institutions for the promotion and protection of human rights, discussed in document A/47/701, was an effective way to ensure the protection of human rights. The principles relating to the status of national institutions were of particular interest to his country, which was in the process of setting up such a system. National institutions should be given the possibility to participate in the preparation and holding of the 1993 World Conference on Human Rights.

4. With regard to public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, discussed in the Secretary-General's report (A/47/503), his delegation considered that the Campaign should be permanent and conducted on a large

(Mr. Fisenko, Belarus)

scale, and should receive the support of all Member States which shared the ideals and principles of the Universal Declaration of Human Rights and the International Covenants on Human Rights. United Nations documents concerning human rights should be distributed in all regions of the world, including Eastern European countries.

5. The growing demand for United Nations electoral assistance, discussed in the Secretary-General's report (A/47/668), bore witness to the important changes taking place throughout the world, where States were striving to set up democratic institutions and mechanisms and encouraging citizens to take part in the political process. By providing assistance in that area, the United Nations could strengthen trust between parties to a dispute and thus promote a peaceful settlement.

6. The forthcoming World Conference on Human Rights would provide an opportunity to assess achievements since 1948. His delegation was pleased with the work of the Preparatory Committee, described in its report (A/47/24 and Add.1), and hoped that the Conference agenda and related issues would soon be decided upon.

7. In working out the economic reforms needed for creating a healthy market economy, Belarus had devoted particular attention to ensuring the right of each individual to own private property. That right was essential in the promotion of other basic human rights and would contribute to the country's overall economic and social development.

8. His delegation commended the work of the Commission on Human Rights in preparing the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and the draft declaration on the protection of all persons from enforced or involuntary disappearances and hoped that the drafts would be adopted at the current session. His delegation also supported the proclamation of the International Year for the World's Indigenous People in 1993.

9. Mr. U AYE LWIN (Myanmar) said that the 1993 World Conference on Human Rights would be a test of the willingness of the international community to address the question of human rights in all its dimensions - civil, political, economic, social and cultural. It would provide an opportunity to examine ways to improve the implementation of universally accepted human rights standards and to examine the link between development and human rights. Principles of human rights should be applied without discrimination. The cause of human rights would not be served if countries chose to regard their interpretations as universal truth and tried to impose their views on others. Nor could issues of human rights and electoral processes be used as a means to interfere in the internal affairs of other States.

10. His country had taken steps to becoming a party to international human rights instruments. In 1991 it had become a party to the Convention on the

(Mr. U Aye Lwin, Myanmar)

Rights of the Child and in 1992 had acceded to the four Geneva Conventions. His Government had fully cooperated with United Nations human rights bodies and had provided the Commission on Human Rights with comprehensive and factual replies to its inquiries. It had also welcomed the visits of independent experts and was soon to receive Mr. Yokota, Special Rapporteur under Commission on Human Rights resolution 1992/58. Although his delegation had dissociated itself from that resolution, it had decided to receive the Special Rapporteur in deference to the United Nations. His delegation had provided the Special Rapporteur with the information he had requested, and that information had been reproduced as an appendix to the Special Rapporteur's report (A/47/651).

11. His delegation appreciated the balanced approach with which the Special Rapporteur had introduced his report, and was confident that he would discharge his responsibilities with impartiality. His delegation was disappointed in the representative of the United Kingdom, who had spoken on behalf of the European Community, and the representative of the United States, both of whom had taken a thoroughly negative stand and, ignoring the significant changes taking place in his country, had chosen to make subjective statements which were at variance with the true situation.

12. In spite of his country's willingness to cooperate with the United Nations human rights bodies, it continued to be subjected to unjust and unwarranted criticism. His Government had been taking steps towards the establishment of a strong and stable democratic State. Representatives of the Government had met during the year with the elected representatives of the political parties to discuss modalities for the holding of a national convention which would lay down the guidelines for drafting a new constitution.

13. The Government had also released hundreds of prisoners who no longer posed a threat to national security. The situation in the entire country had come a long way from the chaotic situation of 1988. Law and order had been restored, martial law had been revoked country-wide and all universities and institutes of higher learning had reopened.

14. The issue of transborder movement on the Myanmar-Bangladesh border (A/47/651, annex, para. 59), was being addressed by the two countries in a spirit of friendship and cooperation. As a result of the agreement reached, voluntary repatriation had commenced. All returnees had been integrated into their communities in dignity and in safety.

15. At a time when steps were being taken to establish a multiparty democratic State, the fundamental principles of national sovereignty and national solidarity should be upheld. Democratization could best be achieved through deliberation and consensus. The process towards democracy, particularly in a country with a multitude of national races, was a delicate matter that could best be accomplished by the people of that country themselves.

16. Mr. Jallow (Gambia), Vice-Chairman, took the Chair.

17. Mr. SULIMAN (Sudan), referring to the 1993 World Conference on Human Rights, said his delegation hoped that a constructive dialogue and consensus would characterize the preparations for the Conference, and it appreciated the efforts of the Commission on Human Rights and the Centre for Human Rights in that process.

18. His Government reiterated its full respect for and compliance with the international human rights instruments to which it was party. Since the National Salvation Revolution of June 1989, its institutions had been reformed to allow for wider participation in political life and more transparent administration of justice. Bringing peace to the southern part of the country was a priority, and the Government firmly believed that that could only be achieved through negotiation.

19. The Government also had a duty to protect the civilians in the south from the atrocities of the rebel movement. However, allegations regarding the situation of human rights in Sudan had been levelled against it by some Member States. His delegation had reiterated that human rights were fundamental to its culture and basic to its policy, and had cooperated fully with the Commission on Human Rights. At its forty-eighth session, in a confidential resolution, the Commission had decided to appoint an Independent Expert to investigate alleged human rights violations in the Sudan, who would report to the Commission at its forty-ninth session. The Independent Expert was currently visiting the country and was receiving full cooperation from the Government. In addition, the Special Representative of the Secretary-General to study the problem of internally displaced persons had visited the Sudan in early November.

20. His Government believed that its cooperation with the Commission on Human Rights had amply demonstrated its respect for an impartial process, which must be allowed to take its course. Nevertheless, the question of internally displaced citizens continued to receive excessive attention. Those people had been forced to move from the south to the north as a result of civil strife. They had settled on unsafe and undesirable sites around the capital and other large towns, and the Government had made efforts to identify better sites for two major temporary settlements. The plan had been put before relevant United Nations agencies and donor representatives, but had met with no response. Thus, the Government had been compelled to carry out the plan with its own meagre resources.

21. Allegations had been made of obstruction of relief activities to victims of the war in the south. The acknowledged difficulties in providing humanitarian asssistance in the south were attributable to the rebel movement, not the Government, however. The Government had recently concluded a cooperation agreement with the United Nations designed to improve the effectiveness and scope of relief operations. The Government had also been accused of exporting food while its population was starving in the south. It

(Mr. Suliman, Sudan)

must be pointed out, however, that food production in the Sudan depended mainly on rain; therefore, the food security situation experienced dramatic swings. The current harvest was quite good, and sorghum production would cover local consumption and relief needs. Since storage capacity was limited, the surplus would be released for export in order to stabilize sorghum prices above production cost, to encourage farmers to grow sorghum the next season, and to earn the hard currency needed for fuel and fertilizers. The decision to export sorghum was not irresponsible, but necessary to the country's food security.

22. With regard to allegations about the safety of expatriate relief workers, such workers had never been harmed in any area under government control. The tragic murder of a number of relief workers had taken place in zones held by the rebels, and at their hands, as the United Nations investigation had concluded. Those delegations which raised the issue of safety maintained regular contacts with rebel factions, and they should use those contacts to ensure the safety of relief workers. Charges of summary execution in the case of two local employees of international agencies also were unfounded. They had been tried according to Sudanese law and found guilty. Charges of racial discrimination could only be based on a gross misunderstanding. The Sudan, a microcosm of Africa in its ethnic, religious and cultural diversity, had always practised tolerance and coexistence.

23. Any attempt to force the General Assembly to take action on the situation in the Sudan at the current session was unfair and improper. Action on the draft resolution on that issue which had been circulated informally should be deferred until the Commission on Human Rights could consider the matter in the light of the findings of the Independent Expert and the Special Representative.

24. Mr. YAHYA (Malaysia) said that, over the past decade, differences between the West and developing countries on issues such as human rights had sharpened. The West had increasingly stressed civil and political rights, while the developing countries saw social and economic rights - the right to development, in other words - as more important. Opinions diverged on how to achieve acceptable standards for human rights, who should set such standards, and whether individual rights took precedence over majority rights. The West seemed to ignore the linkage between human rights and social and economic development, insisting that economic, social, cultural, civil and political rights were indivisible and must be implemented simultaneously. Many of the countries upholding the cause of human rights had faced obstacles in reaching their current stage, including a history of past human rights abuses. Every country had a different historical, social, cultural and economic background: any attempt at dictating a single set of values must be avoided.

25. Referring to the forthcoming World Conference on Human Rights he noted that the previous one had been held in Tehran in 1968, since the political atmosphere had undergone tremendous change. Therefore, it was appropriate to review all aspects of human rights and for the international community to

(Mr. Yahya, Malaysia)

rededicate itself to human rights principles. Malaysia believed that a country should be free to decide what was best for itself based on its specific needs. Yet it did not condone the excesses of non-democratic governments, which were out of line with the rest of the world on the question of human rights.

26. The Conference would provide an opportunity to reaffirm the commitment made at the Tehran Conference on the linkage between human rights and development. It would be a mistake to use the 1993 Conference to exert pressure on developing countries to accept Western standards of human rights or to set targets for their implementation. Too many developing countries were still struggling with poverty and the need for political stability in order to begin implementing development priorities. His delegation agreed with the Secretary-General (A/47/1, para. 100) that human rights were meaningless in an environment of poverty and deprivation.

27. Throughout its experience of nation-building, Malaysia had always abided by the principles of democracy and human rights. Many of its difficulties had stemmed from the fact that it was a heterogeneous society prone to discord. Tragic events in the past had taught a painful lesson on the dangers of unfettered political freedom. His country continued to struggle to maintain its fragile national unity and social cohesion. Malaysia believed in democracy as essential to its very survival. While its most pressing problems remained in the social and economic spheres, they manifested themselves, however, in the civil and political spheres. After careful examination of all the variables, the Government had concluded that socio-economic problems would take priority. Its new economic policy had been in effect for some 20 years, and tremendous economic and social progress had been achieved along with political stability and the preservation of democracy.

28. The forthcoming Conference should examine closely the Secretary-General's suggestion (A/47/1, para. 101) that the international community should explore ways and means of empowering him and expert human rights bodies to bring massive human rights violations to the attention of the Security Council, together with recommendations for action. The Secretary-General had also said (ibid., para. 102) that impartial intervention based on widely accepted standards could dissipate misunderstandings and help build a framework for living together. However, given the current undemocratic practices of the Security Council and the fact that acceptable standards of human rights had yet to be determined, Malaysia believed it unwise to let the Council be judge and jury in such matters. His delegation also had some apprehension about the preparatory process for the Conference. It firmly believed that the agenda should be decided by consensus, not by a vote, and called on the Chairman to continue his efforts to build such a consensus.

29. Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

30. Mr. SARDENBERG (Brazil) said that since its inception, the United Nations had made an outstanding contribution in the field of human rights and fundamental freedoms. Human rights principles and standards were widely accepted throughout the international community. Their universality, however, must find expression through universal adherence to human rights treaties.

31. The 1993 World Conference on Human Rights would provide an opportunity to assess human rights activities and to take steps to make them more effective. Every country must make its voice heard so that future actions would be based on a consensus expressing a genuinely universal commitment to human rights. The preparatory process had not moved forward as quickly as desired. Indeed, the preparation of documents to be examined and adopted by the Conference had not yet begun. It was essential for the provisional agenda to be adopted during the current session of the General Assembly so that the next preparatory meeting could be devoted to the question of documentation. Draft resolution A/C.3/47/L.18 offered a good compromise text for the agenda, and his delegation favoured its adoption.

32. The end of the cold war had made more obvious the vital link between human rights and development, it being understood that considerations related to development issues could never exempt Governments from their obligation to respect the rights of individuals. Recent events had demonstrated that the relationship between development and human rights was not uni-directional and that economic development, even at a high level, did not necessarily guarantee respect for human rights. Thus, developed and developing countries alike must strive to ensure those rights.

33. Over the long term, respect for human rights could only be ensured by strengthening democracy and the rule of law world wide, a process which was in turn linked to economic and social development. That fact had two important implications. First, every effort must be made at the international level to promote economic growth and to ensure the right to development and the entire process must be grounded in democracy and political freedom. Secondly, development concerns must be incorporated into human rights initiatives and the most constructive way of doing so was to help countries build or strengthen their national institutions concerned with the protection of human rights. In that regard, Commission on Human Rights resolution 1992/51, which his delegation had co-sponsored, stressed the value of establishing mechanisms by which the international community could provide technical and financial assistance to projects related to human rights in areas such as law enforcement and the administration of justice. His delegation hoped that the approach envisaged by his delegation would be given full consideration at the 1993 Conference.

34. Brazil was party to all the major international human rights instruments, thereby giving expression to its commitment to ensuring the highest standards of rights and freedoms for its citizens. His Government attached great importance to the promotion of human rights and the rule of law, based on a policy of openness. It valued its ongoing dialogue with non-governmental organizations, which were making important contributions in the area of human

(Mr. Sardenberg, Brazil)

rights. The full exercise of the freedoms of expression and information in his country had made the population fully aware of and responsive to any violations of human rights.

35. In recent years, his Government had made major advances in the important area of the rights of the child. It was committed to protecting children and improving their lot and to punishing individuals who committed acts of violence against them. Particular attention was being given to the situation of homeless children, a problem which was intensified by Brazil's overall economic and social woes. While appreciating advice on that matter offered by the international community, his Government was also in need of more concrete forms of assistance.

36. His delegation hoped that the International Year for the World's Indigenous People would draw greater attention to the problems of indigenous peoples. Projects undertaken in the context of the Year should be action-oriented and should reflect the wishes and cultural values of the indigenous communities. Brazil accorded high priority to the issue, and was undertaking a process of land demarcation in an effort to ensure the protection of its own indigenous peoples.

37. Mr. LONGCHAMP (Haiti) said that his country attached great importance to human rights and, accordingly, was party to a large number of human rights instruments. In February 1991, the Haitian people had for the first time in their history democratically elected their President, who had pledged to ensure political pluralism, national unity and fundamental freedoms. In September 1991, a bloody coup d'état, carried out by a minority seeking to protect its own interests, had ended the country's progress towards democracy and had returned it to a state of arbitrary and oppressive authority.

38. The coup had suppressed any semblance of the rule of law. The human rights situation was alarming: fundamental rights were violated daily, with countless detentions, disappearances, arrests and executions, extortion by the security forces and mistreatment of prisoners. The freedoms of assembly, speech and movement had been drastically curbed; the press was controlled by the military. A general climate of insecurity prevailed. Economic and social conditions continued to deteriorate. In response, thousands of Haitians had fled either to other regions of the country or abroad, placing a burden on neighbouring countries. Further information on the situation in Haiti was contained in the report prepared by the Special Rapporteur appointed by the Commission on Human Rights (A/47/621).

39. Aware of the Haitian people's desire for freedom and justice, the constitutional Government had made a firm commitment to restore the rule of law. In that connection, he wished to stress how important it was for human rights to be taught in educational institutions world wide. It was in that spirit that his Government had organized, under the auspices of the Centre for Human Rights and the Inter-American Commission on Human Rights, a workshop on the promotion of individual rights in Haiti, held in New York in November 1992.

40. Mr. ELDEEB (Egypt) said that his delegation supported the preparatory efforts, particularly by the regional committees, for the 1993 World Conference on Human Rights. He hoped that the Conference would fully and objectively address issues such as self-determination, political freedom based on the enjoyment of economic, social and cultural rights, and the threat posed to fundamental rights by foreign occupation, racial discrimination and ethnic cleansing.

41. Referring to the comments on human rights and development contained in the Secretary-General's report on the work of the Organization (A/47/1), he said that the right to development entailed guaranteeing respect for all fundamental human rights. Recent international developments had encouraged the transition to democracy and widened the scope for cooperation, which should lead to similar results in terms of economic, cultural and social rights. The freedom to participate in economic and political decision-making was also important, as was the commitment to enhance international cooperation by devising comprehensive models for development which would permit the full enjoyment of human rights. Concerning the right to human development in the form of better living, health and education standards, he praised the initiatives taken by various United Nations agencies to incorporate into their work the principles contained in the Universal Declaration of Human Rights.

42. Concerning the Secretary-General's report on enhancing the effectiveness of the principle of periodic and genuine elections (A/47/668), his delegation attached importance to the provision of United Nations technical and other assistance with a view to instituting independent and lasting political regimes. It also supported greater contact between the United Nations and regional organizations in order to ensure coordination and avoid duplication, which would facilitate the task of the United Nations Electoral Assistance Unit. Other important contributions were the advisory services and training of electoral officials provided by the Centre for Human Rights, and the work of the Department of Economic and Social Development. In that connection, his delegation stressed respect for human rights and non-interference in the internal affairs of States. In addition, it should be recognized that no single political system or specific election process could apply to all States in view of the differing historical, cultural, social and religious factors to be taken into account. The electoral process should also be implemented in accordance with the Constitution of each individual State and on the basis of respect for the sovereign right of peoples to determine their own political, economic, social and cultural systems.

43. The recent mass population exoduses occurring world wide constituted a genuine threat to human rights. Referring to the Secretary-General's report on human rights and mass exoduses (A/47/552), he commended the efforts to monitor human rights and strengthen early-warning systems. Accordingly, it supported the measures to introduce, in early 1993, a system-wide mechanism to give early warning of potential mass exoduses, which would be significant in terms of implementing General Assembly resolution 46/127.

(Mr. Eldeeb, Egypt)

44. The current situation in parts of Africa and the former Yugoslavia gave cause for international alarm. In Bosnia and Herzegovina, the forced expulsion of Muslims was a grave violation of human rights, while the exile of Palestinians from the occupied territories contravened international humanitarian law. It was important to address the root causes of the problem, requiring the political will to confront the conflicts responsible for causing refugee flows and to introduce measures to stem those flows. The preventive strategy should also guarantee the right of voluntary repatriation and compensation for damaged property.

45. His delegation applauded the establishment under Security Council resolution 780 (1992) of the Commission of Experts to examine human rights violations in Bosnia and Herzegovina and hoped that it would shortly present its conclusions. As to the ethnic cleansing of Muslims in that region, full responsibility lay with the Serbian authorities. In that respect, it endorsed the establishment of an international criminal court which would act as a deterrent by trying and sentencing those responsible for the war crimes committed.

46. Egypt provided adequate constitutional and legal guarantees to safeguard human rights within its own territory; it was party to 17 international human rights instruments and had introduced pertinent legal and constitutional reforms over the past 20 years. After outlining Egypt's contribution to drafting international and regional human rights charters and its activities concerning the rights of the child, he endorsed the strengthening of the Centre for Human Rights. In view of its increasing workload and its important role in protecting human rights, it should be provided with the human and financial resources needed to implement its programmes.

47. Mr. RAHMAN (Pakistan) noted that United Nations efforts to protect and promote human rights had not been uniformly successful, since the Organization had often refrained from taking action against violators who wielded power and influence. In recent years, a growing number of States had embraced the values of democracy and a free-market economy, which were currently considered essential for ensuring human rights. Yet, it might be asked whether respect for those rights could ever be ensured in a world where political and economic relationships remained inequitable. Such inequities were contributing directly or indirectly to civil wars and regional conflicts in many parts of the world.

48. The end of the cold war had stimulated greater enthusiasm for the promotion of human rights. In practice, however, the world was witnessing an increase in racism, violence against immigrants and forcible repatriation of refugees. The Serbian aggression in Bosnia and Herzegovina was tantamount to pursuing a policy of genocide against the Muslim population; it also violated injunctions against religious intolerance and might lead to the outbreak of religious and ethnic wars in other new nations. His delegation accordingly endorsed the establishment of an international war crimes tribunal to bring to justice the authors of those crimes.

(Mr. Rahman, Pakistan)

49. Discrimination gave rise to disputes and conflicts. It was therefore essential to apply uniform standards of human rights to all peoples. All peoples, including those of new nations, were entitled to self-determination, but in a manner that preserved international peace and security. Yet, that right had not been realized in some cases even though - as in South Africa and Palestine - it had been explicitly promised. In that connection, his delegation believed that a non-racial society in South Africa could be established only if the Government acted resolutely to end the violence against the African National Congress. In the case of the Palestinian people, it hoped that the Middle East peace talks would lead to a just and comprehensive settlement, on the basis of Security Council resolutions 242 (1967) and 338 (1973).

50. With regard to Jammu and Kashmir, his Government called for implementation of the Security Council resolutions of 1948 under which the future of that region was to be determined by a free and impartial plebescite. Both India and Pakistan had endorsed those resolutions; however, India had subsequently refused to allow the people of Kashmir to exercise its right to self-determination. After decades of Indian oppression, the people of Jammu and Kashmir had launched a peaceful movement for freedom in January 1990. Indian security forces in the area had responded with a campaign of repression and terror. A number of sources had reported that during the past two years, those forces had implemented a policy of torture, mass rape and indiscriminate killings in order to crush the popular movement. Violence in Kashmir was on the rise. Indian military and paramilitary forces, numbering hundreds of thousands, were currently deployed in the region and were legally protected from any investigation or punishment of their conduct. Under the reign of terror, thousands of Kashmiri men, women and children had been subjected to torture or rape or had been murdered in cold blood.

51. Until recently, foreign journalists had not been permitted to visit Kashmir; in response to international pressure, they had subsequently been authorized to visit, with an escort, certain "safe" areas. Human rights organizations had also been refused permission to visit but had been able to piece together information on the situation and had confirmed media reports about the routine occurrence of torture, indiscriminate beatings and rape.

52. Amnesty International Report 1992 and the latest reports by Asia Watch and Physicians for Human Rights provided information on numerous cases of beatings, torture and murder by Indian security forces in Kashmir. Pakistan welcomed the concern expressed by the representative of the United Kingdom on behalf of the European Community about the human rights situation in that area. It was particularly gratifying that the European Parliament had adopted a resolution in March 1992 upholding the right of the Kashmiri people to self-determination and calling on the United Nations to bring about a solution. The struggle of the Kashmiri people was entirely indigenous. His Government had repeatedly proposed that impartial observers should be

(Mr. Rahman, Pakistan)

stationed in Kashmir to verify the Indian allegations of interference, and hoped that the European Community would endorse that proposal.

53. Pakistan was little encouraged by the establishment of a Human Rights Commission in India. The Commission's mandate would not cover the activities of the armed and paramilitary forces, which in a large number of cases were responsible for the killing, rape and torture. Certain independent human rights organizations in India had published well-documented reports on the situation. The Coordination Committee on Kashmir, headed by an Indian judge, had visited the area in May 1992 and attested to the increased bitterness of the people against the Indian Government as a result of the torture, indiscriminate shooting, looting and rape committed by the security forces.

54. The situation in Kashmir constituted a threat to international peace and security. Indian and Pakistani forces were deployed face to face in Kashmir and tensions ran high. The Government of Pakistan had made every effort to prevent an escalation. It was essential for India to demonstrate the same self-restraint and halt its campaign of repression in Kashmir. Thus far, however, India had not displayed any readiness to resolve the dispute through dialogue.

55. The gross and systematic human rights violations by Indian security forces in Jammu and Kashmir deserved unequivocal condemnation by the United Nations. The Member States should ensure that India halted its campaign of repression and mass human rights violations in Kashmir and that it abrogated the laws that enabled the Indian security forces to commit such violations with impunity. The Organization should dispatch an impartial fact-finding mission to Jammu and Kashmir to determine the true situation there. India should withdraw the bulk of its military and paramilitary forces from Kashmir and enter into a genuine dialogue with Pakistan to bring about a peaceful, political settlement of the dispute in accordance with United Nations resolutions and the Simla Agreement.

56. Mr. KUBBA (Iraq) said he wished to comment on the interim report of the Special Rapporteur on the situation of human rights in Iraq (S/24386, annex; A/47/367 and Add.1) in order to apprise the Committee of the erroneous concepts presented as incontrovertible facts, in which regard he referred to Iraq's reply to part one of the report (A/C.3/47/2). First, the Iraqi Government had fully cooperated with the Special Rapporteur and provided the required facilities. The latter, however, had exceeded his mandate by heaping accusations, through the media, on the Iraqi Government, thereby overtly participating in the anti-Iraq campaign led by the United States and its allies. Even worse, his actions formed part of the allied plan to prolong the embargo against the Iraqi people and blatantly interfere in Iraq's internal affairs with a view to undermining its sovereignty and national unity.

(Mr. Kubba, Iraq)

57. That much was evident in that the Special Rapporteur had submitted part one of his report, before it was in its final form (A/47/367), to the Security Council, rather than to the General Assembly, on the pretext that such action was warranted by the serious situation in southern Iraq and its implications for security and stability in the region. As planned in advance, the report was used to serve the political purposes of the United States and its allies in the form of imposing the exclusion zone over southern Iraq. Full details of the foregoing were given in document A/C.3/47/2, which refuted the allegations concerning the inhabitants of Iraq's marshlands.

58. Part two of the report (S/24386/Add.1) had also been submitted to the Security Council, two days before its discussion of sanctions against Iraq, in order to be used as a further tool. Part one of the report focused on the Third River Project as a grave danger to the marsh inhabitants and the environment, a conclusion which the Special Rapporteur had subsequently been compelled to retract in part two. In addition, his unusual proposal - which Iraq categorically rejected - to form a team of human rights monitors with exceptional powers blatantly contravened the concepts of sovereignty, independence and non-interference in internal affairs. Moreover, the previous day's statement by the Special Rapporteur had been intended to reassure other States that such action, which he curiously likened to a United Nations election verification mission, would not set a precedent.

59. Part two of the report was best described as a failed attempt to justify the error of part one. It also dealt with extraneous issues, such as guaranteeing the safety of United Nations personnel and relief workers. Iraq questioned the Special Rapporteur's authority to grant himself such powers without a mandate from the competent international bodies, let alone the Iraqi Government and people. That conduct merely confirmed Iraq's previous assertions concerning his lack of impartiality and objectivity, a glaring example of which was his improper reference to a section of the Iraqi people as "indigenous peoples". That choice of phrase clearly had a political purpose. Furthermore, the report alleged that Iraq had not replied to questions submitted by the Special Rapporteur. On the contrary, however, Iraq's replies, made approximately one year earlier, had been ignored, presumably because they failed to serve the desired objective.

60. Finally, Iraq continued to maintain its principled position based on dealing scrupulously with the Commission on Human Rights and other relevant United Nations bodies, and on respect for international instruments. It hoped that the Committee would support the calls world wide to lift the embargo against the Iraqi people, which aimed to destroy their most basic right to life.

61. Mr. AHAMED (India) said that the United Nations should take action to deal with the new forms of terrorism, human rights violations and racism that had arisen in certain parts of the world. The Indian Constitution enshrined the fundamental rights of all citizens, irrespective of sex, caste or

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religion. In order to strengthen those rights further, India was setting up an independent Human Rights Commission to protect the vulnerable sectors of society.

62. The Indian ethos, which had evolved over the centuries, was essentially one of tolerance and peace. India's culture had given rise to the great religions of Hinduism, Buddhism, Jainism and Sikhism, whose basic tenet was tolerance, and had welcomed other great religions into its midst. Human rights were determined by the social, traditional and cultural mores of every society. While certain basic human rights were supported by all, no one could accept that it was the right of a few to determine what was good for all. A collective approach taking account of all points of view was more acceptable.

63. There was an underlying interdependence between political and civil rights, on the one hand, and economic, social and cultural rights, on the other. In that connection, he stressed the importance of the right to development, which should enable human beings to lead a life of dignity and fulfilment. True promotion of human rights should be based on a realistic recognition of their indivisibility and guarantee not only freedom but also life with dignity.

64. In recent years, the growing threat of international terrorism had emerged as a challenge to the enjoyment of human rights. Terrorists endangered the territorial integrity and security of States and sought to destroy their economic infrastructure and destabilize their legitimate Governments. It was a sad fact that human rights organizations had not dealt with terrorist activities in a manner commensurate with the threat that they posed. International terrorists destabilized democratic Governments by promoting fundamentalism, the brutal and systematic violation of the rights of women and children, drug trafficking, gunrunning and money laundering.

65. The greatest threat to human rights in India came from the increased activities of terrorists, subversive elements and drug traffickers. The scant attention given to those activities by the media and human rights organizations merely encouraged such terrorism. Effective safeguards against human rights violations must be based on the rule of law. Democratic Governments were the best allies in defending human rights against increasing violations by religious or ethnic terrorist groups. Terrorist activities supported by Governments must not be ignored or condoned.

66. In its nearly half century of independence, India had developed strong democratic institutions and traditions, including a free press, a vibrant public opinion, an elected Parliament and an independent judiciary. His country had always cooperated internationally to protect human rights and maintained an ongoing dialogue with the prominent human rights organizations. It was looking forward to the forthcoming World Conference on Human Rights and was ready to engage in consultations with other delegations to facilitate the adoption on the basis of consensus of an agenda for the Conference.

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67. He failed to understand how Pakistan, a country that had known only brief periods of democracy and had experienced military dictatorship and the violent overthrow of democratically elected Governments, even dared to claim that it had any credentials to speak on human rights. Pakistan, which spoke so eloquently about Kashmir, was silent about its occupation of a large section of the territory of Jammu and Kashmir for over half a century. Jammu and Kashmir was an integral part of India and would remain so whatever Pakistan might say or do. The problem in Kashmir was the result of the State-funded terrorism originating in Pakistan.

68. For the past few years, Jammu and Kashmir have been in the grip of a low-intensity war aided and directed by the Pakistan Government. The representative of Pakistan had failed to mention the thousands of officials and media representatives killed by the terrorists. Nevertheless, India's democracy was prevailing and his Government would not tolerate any terrorist interference in the name of religion or in the guise of protecting human rights.

69. He failed to understand how Pakistan could imagine that it had the right to speak for the minorities in India, who greatly outnumbered Pakistan's majority population. India's Muslim population was larger than that of Pakistan and could speak for itself. Pakistan was promoting terrorism, fundamentalism and separatism in India. A new form of "ethnic cleansing" was being carried out by terrorists in Kashmir in order to undermine India's secular foundations. Pakistan would be well advised to attend to the welfare of its own nationals, including a group of Muslims, who suffered from discrimination at the hands of their Government. India had signed more human rights instruments than Pakistan and had a well-established democratic system with laws that provided ample safeguards against human rights violations. He stressed that the international community should pay heed to the gross violations of human rights being perpetrated by Pakistan's terrorist agents in India.

The meeting rose at 6.25 p.m.